

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1-4 have been canceled without prejudice or disclaimer, and claim 5 has been amended without narrowing the scope of claim 5. No new matter is being presented, and approval and entry are respectfully requested.

Claims 5-10 are pending and under consideration. Reconsideration is requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response because:

- (a) the rejected claims have been canceled;
- (b) it is believed that the amendment of claim 5 puts this application into condition for allowance as suggested by the Examiner;
- (c) the amendment of claim 5 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and
- (d) the amendment(s) do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action at pages 2-3, the Examiner rejects claims 1, 3, and 4 under 35 U.S.C. §103 in view of Douwes et al. (U.S. Patent No. 4,849,958) and Takahasi (WO 96/21224). For the sake of simplicity, all references to Takahasi will use the translation provided in corresponding U.S. Patent No. 4,849,958. The rejection is respectfully traversed and reconsideration is requested.

While applicants do not necessarily agree with the Examiner's construction of the above

referenced prior art as applied against the claims as previously presented, claims 1, 3, and 4 have been cancelled without prejudice or disclaimer. As such, it is respectfully submitted that the rejection is deemed moot.

In the Office Action at pages 3-5, the Examiner rejects claim 2 under 35 U.S.C. §103 in view of Douwes et al., Takahasi, and Manes et al. (U.S. Patent No. 4,609,105). The rejection is respectfully traversed and reconsideration is requested.

While applicants do not necessarily agree with the Examiner's construction of the above referenced prior art as applied against the claims as previously presented, claim 2 has been cancelled without prejudice or disclaimer. As such, it is respectfully submitted that the rejection is deemed moot.

OBVIOUSNESS TYPE DOUBLE PATENTING REJECTION:

On pages 5-6 of the Office Action, the Examiner rejected claims 6-10 under the doctrine of obviousness type double patenting in view of selected claims of U.S. Patent No. 6,728,200 and U.S. patent application no. 10/677,220 as set forth in the Office Action. However, as noted in the Advisory Action of January 11, 2005, the rejection is withdrawn.

STATUS OF CLAIMS NOT REJECTED:

In the Advisory Action, the Examiner allows claims 6-10 and objects to claim 5 as depending from a rejected claim. Since claim 5 no longer depends from a rejected claim, it is respectfully requested that the objection be withdrawn.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

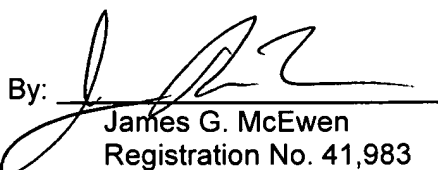
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If there are any additional fees associated with the filing of this Response, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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